

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

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MELODY STOOPS,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 3:15-cv-00083-KRG

U. S. District Judge:  
Honorable Kim R. Gibson

**PLAINTIFF MELODY STOOPS' MOTION FOR LEAVE TO FILE A SUR-REPLY**

**TO THE HONORABLE COURT:** Pursuant to Paragraph II.B. of Judge Gibson's Chambers Rules, please take notice that Plaintiff Melody Stoops ("Plaintiff"), by and through her counsel of record, hereby moves for leave to file a Sur-reply with respect to Wells Fargo Bank, N.A.'s ("Defendant") motion for summary judgment, good cause being set forth below as follows:

1. On December 10, 2015, Defendant filed a Motion for Summary Judgment. (ECF 44).
2. The Court Granted Plaintiff's request for an extension to January 14, 2016, to file a Response to Defendant's Motion for Summary Judgment. (ECF 46).
3. On January 14, 2016, Plaintiff filed a Response to Defendant's Motion for Summary Judgment. (ECF 54)
4. On January 25, 2016, Defendant's counsel of record Divya S. Gupta contacted Plaintiff's counsel of record, Joseph R. Manning, Jr. to advise him of Defendant's intent to move for leave to file its reply brief in excess of the ten page limit. Mr. Manning agreed not to oppose Defendant's motion in exchange for Defendant's agreement that Defendant would not oppose

Plaintiff's request for leave to file a sur-reply. Defendant accepted this condition. See Declaration of Joseph R. Manning, Jr., at ¶ 2, Exhibit A hereto.

5. On January 26, 2016, Defendant filed a Motion for Leave to File Its Reply Brief in Excess of the Ten Page Limit. (ECF 57)

6. On January 28, 2016, the Court granted Defendant's Motion for Leave to File Its Reply Brief in Excess of the Ten Page Limit. (ECF 58)

7. On January 28, 2016, Defendant filed its Reply Brief in support of its Motion for Summary Judgment. (ECF 61)

8. Defendant's Reply Brief Memorandum is twenty-four (24) pages, Defendants raised several issues relying on cases and an expansion of legal theories not previously discussed in its Motion for Summary Judgment, and Defendant does not oppose Plaintiff's motion for leave to file a Sur-reply. Plaintiff seeks a fair opportunity to respond to Defendant's extended Reply. Accordingly, Plaintiff respectfully requests that the Court accept a Sur-reply not in excess of ten (10) pages pursuant to Paragraph II.B. of Judge Gibson's Chambers Rules.

Dated: February 1, 2016

By: /s/ Joseph R. Manning, Jr.  
Joseph R. Manning, Jr.

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Attorneys for Plaintiff MELODY STOOPS

**CERTIFICATE OF SERVICE**

Service is being effected upon counsel for counsel of record via the CM/ECF system.

Dated: February 1, 2016

By: /s/ Joseph R. Manning, Jr.  
Joseph R. Manning, Jr.

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